

# SCHOOL ELECTIONS

The Wild, Wild West



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# Title 13 v. Title 20

## The showdown at high noon



# Title 13

- General election laws that govern all elections
  - Election registration
  - Election judges
  - Ballots
  - Election procedures
  - Voting systems
  - Mail ballot elections
  - Absent uniformed services and overseas voters
  - Federal elections
  - Constitutional amendments
  - Campaign practices

# Title 20

- Specific to school district elections
  - Forms
  - Poll hours
  - Election expenses
  - Calling school elections
  - Election notice
  - Elector qualifications
  - Closure of registration
  - Conduct of elections

# Setting the Stage

Trustee elections based on population

- First class district – population of 6,500 or more
- Second class district – population from 1,000 to 6,499
- Third class district – population less than 1,000

“Population” is the number of persons residing within the district – not school enrollment

# Setting the Stage

- High school districts based on the population of the elementary district
- County superintendent determines the district's classification
- Adjustments may be made once in a 5 year period

# Setting the Stage

## **COUNTY**

- OPI application for county superintendent to enter district classification and number of trustees
- Send board composition information to your county superintendent in November

# Setting the Stage

- First class districts with a county population greater than 15,000 are required to report campaign finance activities (13-37-206, MCA)
  - Form C-1-A (Montana Commissioner of Political Practices)
- Trustee candidates in first class districts must have 20 signatures for nomination – only 5 required in second and third class districts (20-3-344, MCA)\*\*\*





LC 143 removes all requirements for nomination petitions. Candidates will only have to register with the election administrator within the proper time period in order to have their name appear on the ballot.

# Candidates

- Candidates must register with the district clerk no sooner than 135 days before and no later than 40 days before election day (20-3-305, MCA)\*\*\*
- Candidate qualifications:
  - Resident of the district
  - Registered to vote (at time of candidacy)
  - In single-member districts must be a resident of the trustee district for one year

# Candidates

- There is no legal requirement to notice the opening and closing of candidate filing
- It is ***recommended*** that the district advertise these dates
  - Posting in public locations
  - School newsletter
  - Local newspaper



LC 143 changes the time period to register as a candidate from between 135 and 40 days to between 145 and 85 days.

For the 2014 election the candidate filing dates were December 22 through March 27. LC 143 would have changed those dates to ***December 12 through February 10.***

# Calling an Election

- At least 70 days before the election if mail ballot (13-19-202, MCA)
- At least 40 days before the election (20-20-201)\*\*\*
- Board resolution required

# Calling an Election

- Election resolution must contain:
  - Date of election
  - Purpose of election (what will be on the ballot?)
  - Time the polls will open (if before noon)
  - Polling locations (if site has changed special reference is required)
  - Election judges
  - Authority for the district clerk to cancel the election
- Election resolution does not contain
  - Specific amounts for levies
- Send a copy of the resolution to the county election administrator within 5 days



LC 143 changes the time period to call an election to 70 days before for ALL elections.

For the 2014 election the deadline for calling an election would have been February 25 instead of March 27.

# Voter Registration

- Voter registration closes 30 days prior to a school election (20-20-311, MCA)\*\*\*
- No notice is required for the closure of school election registration\*\*\*





LC 143 removes the school election's exemption from late registration.

Districts would be subject to the provisions of Chapter 13, Title 2:

- ***Regular registration*** closes 30 days prior to the election
- District must notice the close of regular registration (13-2-301, MCA) – 2014 date to begin notice would have been March 10
- Districts would have to manage late registrants (requires coordination with the county election administrator)

# Candidate Withdrawal

- A candidate must withdraw no later than 38 days prior to the election (20-3-305, MCA)\*\*
- Statement of withdrawal sent to the district clerk (no form required)
- District clerk must acknowledge the withdrawal



LC 143 changes the period to withdraw to no later than 30 days prior to the election.

The new withdrawal date coincides with the new ballot certification date. This changes the 2014 date from March 28 to April 4.

# Write-In Candidates

- Write-in candidates must file no later than 26 days prior to the election (13-10-211(3), MCA)\*\*
- Must file a Declaration of Intent (no signatures required)



LC 143 changes the deadline for filing as a write-in candidate to no later than 5 pm, 31 days before the election.

The new write-in date coincides with the new ballot certification date. This changes the 2014 date from April 10 to April 4.

# Election Judges

- Qualifications (20-20-109, MCA):
  - Registered voters
  - Reside within the district
  - Not related to a candidate (when in doubt, find someone else)
- Training (13-4-203, MCA)
  - Certificate of instruction or recertification in even-numbered years
  - Instruction by election administrator if not certified

# Election Judges

- No judge on election day (20-20-402, MCA)
  - Use alternates
  - If alternates not available, one of the voters must volunteer to serve (will be paid as an election judge)
  - Individuals filling vacancies are exempt from training requirements

May not use an election judge from another precinct.  
The district clerk is not prohibited from serving as a judge, but it is not recommended.

# Ballot Certification

- Ballots are certified no later than 25 days before the election (20-20-401, MCA)\*\*\*
  - Final list of candidate names
  - One blank space for write-in candidates for each number of votes the elector may cast
  - Exact amounts for any levies on the ballot (resolution must be passed by the trustees)





LC 143 changes the deadline for ballot certification to 30 days before the election.

The ballot certification date for 2014 would have changed from April 11 to April 4.

# Notice of Election

- Election notice must be published not less and 20 days and not more than 30 days before the election (20-20-204, MCA)\*\*\*
  - Publication in newspaper (if one in the district)
  - Posting in three public places (at least one in each ward or precinct)
- Notice must include:
  - Date and polling places
  - Hours
  - Propositions
  - Candidates
  - Information on obtaining absentee ballots



LC 143 changes the time period for notification from between 20 and 30 days to between 10 and 40 days. It also changes notice requirements:

- Requires notice in a newspaper (3 times in a daily publication or 2 times in a weekly publication)

In 2014, the period for notice of election would have been March 26-April 26 instead of April 6 to April 16.

# Election by Acclamation

- If the number of candidates (including write-in candidates) is less than or equal to the number of open trustee positions, an election is not required (20-3-313, MCA)\*\*\*
- If other issues are on the ballot the trustee portion of the election may still be cancelled
- District clerk must be given the authority to cancel the election in the original resolution calling for the school election



LC 143 changes the deadline for declaring the election by acclamation to not less than 30 days before the election.

The revised deadline coincides with the new ballot certification deadline of 30 days before the school election .

# Absentee Ballots

- Absentee ballots must be available at least 20 days before the election (13-13-205 and 20-20-401, MCA)
- Absentee ballots include:
  - The ballot (stubs removed)
  - Instructions for voting and returning the ballot
  - A secrecy envelope
  - A self-addressed return envelope with affirmation

# After the Election

- Within 15 days of the election
  - Canvass the vote
  - Issue Certificates of Election
  - Publish results
  - Deadline for trustees to hold their annual organizational meeting (elect new officers and appoint clerk)

# After the Election

- Within 5 days of the official canvas
  - Deadline for filing a petition for recount
- Within 15 days of receipt of the Certificate of Election
  - Candidate completes the Oath of Office
  - Issue Certificates of Election
  - Publish results



# After the Election

- Procedure for a tie vote
  - Automatic recount (not later than 5 days after canvas)
  - School recount board (three members of the board of trustees – or the district clerk, a district employee or additional hires as necessary)
  - If a tie after the recount, the trustees appoint a candidate

# “Special” Elections

- Elections held on dates other than the regular school election day
- General fund levy elections must be held on the regular school election day unless:
  - The legislature is in session and school funding is affected
- Other types of elections include building reserve, technology levy, consolidation/ annexation, specific budget transfers, flexibility fund levy



LC 143 changes “special” elections to “other” elections.

Special elections are only those elections held on dates other than regular election dates – including statutory dates for school elections, primary elections, and general elections. “Other” elections may be held on either regular or special election days.

# Mail Ballot Elections

- Timeline for mail ballot elections (13-19-202, MCA)
  - 70 days prior: Trustee resolution calling for election
  - 60 days prior: Plan, timetable and sample instructions due to Secretary of State
  - 55 days prior (or 5 days after receipt): Deadline for Secretary of State to approve request for mail ballot election

# Mail Ballot Elections

- Ballot requirements (13-19-106 and 13-19-207, MCA)\*\*\*
  - Ballots not required to have stubs
  - Procedure the same as for absentee ballots
  - 55 days prior (or 5 days after receipt): Deadline for Secretary of State to approve request for mail ballot election
  - Ballots mailed between no sooner than 25 days and no later than 15 days before election day



LC 143 changes the date mail ballots are sent to 20 days prior to the election.

The date for mailing mail ballots is changed to 20 days prior to the election to correspond with the deadline for mailing absentee ballots.

# County Election Administrator

- June 30: Deadline to request county election administrator conduct next year's elections (20-20-417, MCA)\*\*\*
- County responsibilities:
  - Polling hours, polling places and judges
  - List of registered electors
  - Ballot certification
  - Delivery of tally sheets and other election materials to the trustees
- District responsibilities:
  - Canvass the vote
  - Tie votes and recounts
  - Issue certificates of election
  - Election expenses



LC 143 adds additional language to 20-20-417, MCA to clarify the duties of both the county and the school district when the county election administrator agrees to conduct school elections.

#### New district responsibilities:

- ✓ A resolution is required to request the county election administrator conduct the district's election(s)
- ✓ Trustees must specify which election(s) are to be held by mail ballot
- ✓ Trustees must notify the county election administrator as soon as possible of any additional election(s), if applicable
- ✓ The request for the county to conduct the election must include a detailed district boundary



# Other LC 143 Changes

- Community college elections will be conducted by the county election administrator – not the elementary district (no determination yet on who pays the cost of the election when the election is for the creation of a new district) (Title 20, Chapter 15)
- The resolution calling for a school election (election conducted by the district clerk) must be transmitted to the county election administrator no later than 15 days after passage of the resolution (20-20-201, MCA)

# Other LC 143 Changes

- The resolution calling for a school election (election conducted by the county election administrator) must be transmitted to the county election administrator no later than 3 days after passage of the resolution (20-20-201, MCA)
- Clarifies that the county superintendent takes the oath of office in December and assumes their duties on January 1.

# Summary of LC 143 Changes

- “Special” defines the day of the election, not the type of election – elections other than trustee or general fund levy elections are “other” school elections
- The county superintendent’s term begins January 1
- Changes election by acclamation date to 30 days before the election (now 25)

# Summary of LC 143 Changes

- The window for election notice is expanded to not less than 10 days, or more than 40 days before – also requires notice in a newspaper (2 for weekly, 3 for daily)
- Changes the deadline for calling an election to 70 days before (for all elections)
- Applies late voter registration provisions to school elections

# Summary of LC 143 Changes

- Changes ballot certification from 25 days before to 30 days before
- Changes the window for candidate filing from no earlier than 135 days and no later than 40 days before to no earlier than 145 days and no later than 85 days before
- Clarifies the requirements for requesting the county election administrator conduct school elections

# Summary of LC 143 Changes

- Removes responsibility for community college district elections from elementary districts and transfers the authority to the county election administrator
- Matches the mailing dates for mail ballot elections to that of absentee ballots (20 days prior to the election)

# Summary of LC 143 Changes

- Changes to candidate withdrawal (30 days before) and write-in candidate dates (31 days before) to match the new ballot certification dates

# Additional Resources

- OPI School Finance Election Resources Webpage

[http://opi.mt.gov/Finance&Grants/schoolfinance/Index.html#gp\\_m1\\_7](http://opi.mt.gov/Finance&Grants/schoolfinance/Index.html#gp_m1_7)

- SAVA Interim Committee

<http://leg.mt.gov/css/Committees/Interim/2013-2014/State-Administration-and-Veterans-Affairs/>





# Questions?

